

### **REMARKS/ARGUMENTS**

This Amendment is in response to the Final Office Action mailed April 16, 2008. Claims 1-30 and 38-61 are pending in the present application. Claims 1-6, 9-19, 22-30, and 38-60 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over *Rorex* (US 6,876,997) in view of *Reisman* (US 7,062,561). Claims 7-8 and 20-21 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over *Rorex* and *Reisman* in view of *Barsness* (US 2003/0028441). Applicants respectfully disagree. In view of the following remarks, reconsideration of the rejected claims is respectfully requested.

#### **I. Examiner Interview**

A telephone interview was conducted with Examiner Ahluwalia on Wednesday, July 9, 2008, at 3:00PM Eastern Time. The undersigned attorney represented the Applicants in the interview. In the interview, Applicants' claims (in particular claim 47) were discussed and contrasted with the cited art. Although no agreement was reached, Examiner Ahluwalia indicated that, in light of the discussion, there appear to be patentable differences between Applicants' claims and the cited art. The Examiner graciously offered several suggestions that the Examiner thought would help clarify in the claims at least some of those differences. Applicants appreciate the Examiner's helpful suggestions, and submit this response in accordance with those suggestions.

#### **II. Claims 1-6, 9-19, 22-30, and 38-60 Are Not Rendered Obvious by *Rorex* in view of *Reisman***

Claims 1-6, 9-19, 22-30, and 38-60 are rejected under 35 U.S.C. §103(a) as being obvious over *Rorex* in view of *Reisman*. With regard to rejections under 35 U.S.C. § 103, the Examiner must provide evidence which as a whole shows that the legal determination sought to be proved (*i.e.*, the reference teachings establish a *prima facie* case of obviousness) is more probable than not." MPEP §2142. Accordingly, "the key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been

obvious." MPEP §2142; see *KSR International Co. v. Teleflex, Inc.*, 550 U.S. \_\_\_, 82 USPQ 2d 1385 (1395-97 (2007)).

**A. Independent Claim 1**

Applicants' claim 1 as amended recites a "computer-based method for identifying a product relating to a web page," the method comprising:

- storing a plurality of previously submitted queries submitted by users of a first web site, each of the previously submitted queries having a popularity;
- receiving content derived from a web page configured to be displayed through a second web site;

- identifying previously submitted queries from the plurality of previously submitted queries that match at least a portion of the content derived from the web page;
- selecting an identified previously submitted query based on a popularity of the identified previously submitted query;
- submitting the selected previously submitted query to a product search engine to identify a product that is related to the content; and
- providing information about the identified product to be displayed on the web page through the second web site.

Applicants respectfully submit that, even if for sake of argument there would have been motivation to combine *Rorex* in view of *Reisman*, the resultant combination still would not teach or suggest such limitations.

For example, *Rorex* teaches "generating a search result list" wherein a search request "received from a searcher" is used to perform a "search on a pay for placement database," and also "perform a search on a related search database" (col. 1, lines 19-25; col. 2, lines 28-41). After the "search results have been located, the search results from the pay for placement database are combined with search results from the related search database, and a returned "search result list display" can include "a search result list including a plurality of entries" as well as "a listing 312 of other search categories and a related searches listing 314" (col. 6, lines 51-67). The "related searches listing" includes "related searches determined using the related searches database" to correspond to the search request received from the searcher (col. 7, lines 56-59).

*Rorex* thus requires a searcher to submit a search request, then determines related searches to display to the searcher as suggested "related searches." *Rorex* does not teach or

suggest "receiving content derived from a web page configured to be displayed through a second web site" and "identifying previously submitted queries from the plurality of previously submitted queries that match at least a portion of the content derived from the web page" as recited in Applicants' claim 1 as amended. As discussed, *Rorex* instead receives a query from a searcher and executes that received query. Further, *Rorex* does not teach or suggest "selecting an identified previously submitted query based on a popularity of the identified previously submitted query" and "submitting the selected previously submitted query to a product search engine to identify a product that is related to the content". As discussed, *Rorex* instead executes a query received from a searcher and suggests potentially related queries to the searcher when displaying search results. *Rorex* also does not teach or suggest "providing information about the identified product to be displayed on the web page through the second web site" in combination with any of the above limitations. The Office Action further recognizes that "Rorex does not disclose the previously submitted queries explicitly as disclosed" (OA p. 4).

Combining *Reisman* with *Rorex* would not make up for these deficiencies in *Rorex* with respect to Applicants' claim 1. *Reisman* teaches "a method of signifier mapping that allows a user to locate to a particular network resource" by "simply entering a signifier or alias" (col. 4, lines 55-59). A user interface "allows users to enter [a] guessed name or alias, as easily as if the user know the correct URL for the intended target resource" (col. 5, lines 59-63). A finder server then "accesses a database" and "looks up the correct URL" that "corresponds to the alias and causes the user's browser to go automatically to that URL" if "the correct URL can be determined with a predetermined degree of confidence (col. 5, line 63-col. 6, line 6). If "a probable one intended match cannot be determined, the finder server preferably uses intelligent techniques to find a selection of links to possible matches ranked in order to likelihood" or could return other information such as "a conventional search interface" (col. 6, lines 30-35). The system includes a database with "information gathered from previous queries", such that when "a user enters a query" the server "parses the query" and "performs a database lookup in an attempt to determine, if possible, the exact target resource intended by the user" (col. 15, lines 22-47).

As recognized in the Office Action on page 4, *Reisman* teaches using "information gathered from the previously submitted queries," but does not teach or suggest "selecting an identified previously submitted query based on a popularity of the identified previously submitted query" and "submitting the selected previously submitted query to a product search engine to identify a product that is related to the content" as recited in Applicants' claim 1. Further, *Reisman* requires a user to submit a query, signifier, etc., and does not teach or suggest instead "receiving content derived from a web page to be displayed through a second web site" and "identifying previously submitted queries from the plurality of previously submitted queries that match at least a portion of the content derived from the web page". As with *Rorex*, *Reisman* requires a submission such as a query from a user, and does not teach or suggest "selecting" and "submitting" a "previously submitted query" that matches "at least a portion of the content derived from" a web page of a second site. Thus, a combination of these references still would not teach or suggest each element of this claim.

For at least these reasons, Applicants' claim 1 cannot be rendered obvious by a combination of *Rorex* and *Reisman*. Applicants therefore respectfully request that the rejection with respect to Applicants' claim 1 be withdrawn.

**B. Dependent Claims 2-6 and 9-10**

As these claims depend from independent claim 1, it is respectfully submitted that these claims are allowable for at least the reasons set forth above in connection with Applicants' claim 1. Further, elements of at least some of these claims are also patentable over these references as these elements also are neither taught nor suggested by these references. For example, Applicants' claim 5 recites that "the content is an article of the web page" and claim 6 recites that "the content is a headline of the web page". The Office Action asserts that the search list entries (elements 310) and rank value (elements 360 - although it is assumed hyperlinks 330 were intended) teach such limitations, but it is respectfully submitted that the references do not teach or suggest "identifying previously submitted queries from the plurality of previously submitted queries that match at least a portion of the content derived from the web page" where

the content is "an article of the web page" or "a headline of the web page". Even if for sake of argument one could construe the search results as "articles" and "headlines", which is not supported by a reading of *Rorex*, such results are not content used to identify "previously submitted queries from the plurality of previously submitted queries that match at least a portion of the content derived from the web page" as recited, particularly where the web page is "to be displayed through a second web site". For at least these reasons, claims such as claims 5 and 6 are further allowable in their own right. Applicants therefore respectfully request that the rejections with respect to these claims be withdrawn.

**C. Independent Claim 11**

Applicants' claim 11 as amended recites a "computer-based method for providing information about a product to be associated with content," the method comprising:

- storing a plurality of previously-submitted queries submitted to a first system, each previously submitted query having a popularity of submission;
- identifying a previously submitted query from the plurality of previously submitted queries based on a relevance of the previously submitted query to content from a second system and the popularity of submission of the previously submitted query;
- submitting the identified previously submitted query to select a product that matches the identified previously submitted query as the product to be associated with the content; and
- providing information about the selected product to be associated with the content through the second system.

For reasons including at least some of those set forth above, it is respectfully submitted that a combination of *Rorex* and *Reisman*, assuming motivation to combine, would still not teach or suggest limitations such as "identifying a previously submitted query" from "a plurality of previously-submitted queries submitted to a first system" based on "a relevance of the previously submitted query to content from a second system and the popularity of submission of the previously submitted query" as recited in Applicants' claim 11 as amended. The combination also would not teach or suggest "submitting the identified previously submitted query to select a product that matches the identified previously submitted query as the product to be associated with the content" along with "providing information about the selected product to be associated with the content through the second system". For at least these reasons, Applicants' claim 11

cannot be rendered obvious by these references. Applicants therefore respectfully request that the rejections with respect to claim 11 be withdrawn.

**D. Dependent claims 12-19 and 22-25**

As these claims depend from independent claim 11, it is respectfully submitted that these claims are allowable for at least the reasons set forth above in connection with Applicants' claim 11. Further, elements of at least some of these claims are also patentable over these references as these elements also are neither taught nor suggested by these references. For example, Applicants' claim 16 recites that "the content is related to an article", claim 17 recites that "the content is a headline of the article", claim 18 recites that "the content is a body of the article", claim 19 recites that "the content is a portion of a body of the article", and claim 22 recites that "the content is a portion of a dynamically generated web page". Even if for sake of argument one could construe the teachings of these references to disclose features such as articles, headlines, etc., such results are not content used to identify "a previously submitted query from the plurality of previously submitted queries based on a relevance of the previously submitted query to content from a second system and the popularity of submission of the previously submitted query" as recited. Such limitations thus are neither taught nor suggested by these references. For at least these reasons, claims such as claims 16, 17, 18, 19, and 22 are further allowable in their own right. Applicants therefore respectfully request that the rejections with respect to these claims be withdrawn.

**E. Independent claim 26**

Applicants' claim 26 recites a "method in a computer system for providing information relating to content," the method comprising:

- sending content to a web service, the web service for storing a plurality of previously submitted queries, for identifying a previously submitted query from the plurality of previously submitted queries that is related to the sent content, and for selecting a product that matches the identified previously submitted query as the product to be associated with the content;
- receiving information relating to the product associated with the content; and
- displaying the content and the received information.

For reasons including at least some of those set forth above, it is respectfully submitted that a combination of *Rorex* and *Reisman*, assuming motivation to combine, would still not teach or suggest limitations such as "sending content to a web service" for "identifying a previously submitted query" from a "plurality of previously submitted queries that is related to the sent content". *Rorex* and *Reisman* both require a user to submit a query or similar entry, and do not teach or suggest "sending content to a web service" for "identifying a previously submitted query", particularly with respect to the other limitations in the claim. For at least these reasons, Applicants' claim 26 cannot be rendered obvious by these references. Applicants therefore respectfully request that the rejections with respect to claim 26 be withdrawn.

**F. Independent Claim 38**

Applicants' claim 38 recites a "computer system for providing a query relating to content," comprising:

- a popularity-based query table containing previously submitted queries submitted by users of the computer system and indications of the popularity of the queries among users;
- a component that identifies previously submitted queries of the popularity-based query table that match at least a portion of content received from an external source;
- a component that selects an identified previously submitted query based on its popularity as indicated by the popularity-based query table; and
- a component that provides information about a product, corresponding to the selected query, to be displayed with the content through the external source.

For reasons including at least some of those set forth above, it is respectfully submitted that a combination of *Rorex* and *Reisman*, assuming motivation to combine, would still not teach or suggest limitations such as "a component that identifies previously submitted queries of the popularity-based query table that match at least a portion of content received from an external source". *Rorex* and *Reisman* also fail to teach or suggest "a component that provides information about a product, corresponding to the selected query, to be displayed with the content through the external source". For at least these reasons, Applicants' claim 38 cannot be rendered obvious by these references. Applicants therefore respectfully request that the rejections with respect to claim 38 be withdrawn.

**G. Independent Claim 47**

Applicants' claim 47 recites a "computer-readable storage medium containing instructions for controlling a computer system to provide product data" by a method comprising:

- generating a popularity-based query table containing previously submitted queries submitted by users of a vendor's web site and indications of the popularity of the queries among the users;
- receiving content to be displayed on an associate's web site, the associate's web site configured to display product data provided by the vendor;
- identifying previously submitted queries of the popularity-based query table that match the received content;
- selecting an identified previously submitted query based on its popularity as indicated by the popularity-based query table;
- submitting the selected query to identify products that match the selected query;
- retrieving product data associated with an identified product; and
- sending the retrieved product data to be displayed with the content on the associate's web site.

For reasons including at least some of those set forth above, it is respectfully submitted that a combination of *Rorex* and *Reisman*, assuming motivation to combine, would still not teach or suggest limitations such as "receiving content to be displayed on an associate's web site, the associate's web site configured to display product data provided by the vendor", "identifying previously submitted queries of the popularity-based query table that match the received content", and "selecting an identified previously submitted query based on its popularity as indicated by the popularity-based query table". *Rorex* and *Reisman* also fail to teach or suggest "retrieving product data associated with an identified product" and "sending the retrieved product data to be displayed with the content on the associate's web site". For at least these reasons, Applicants' claim 47 cannot be rendered obvious by these references. Applicants therefore respectfully request that the rejections with respect to claim 47 be withdrawn.

**H. Independent Claims 55 and 56**

Applicants' independent claims 55 and 56 also recite limitations that are neither taught nor suggested by *Rorex* and *Reisman* for reasons including at least some of those set forth above.



As such, these claims cannot be rendered obvious by *Rorex* and *Reisman*. Applicants therefore respectfully request that the rejections with respect to these claims be withdrawn.

**I. Dependent Claims 27-30, 39-46, 48-54 and 57-60**

As these claims each depend from one of the independent claims discussed above, it is respectfully submitted that these claims are allowable for at least the reasons set forth above in connection with the respective independent claims. Further, elements of at least some of these claims are also patentable over these references as these elements also are neither taught nor suggested by these references, such as is discussed above. Applicants therefore respectfully request that the rejections with respect to these claims be withdrawn.

**III. Claims 7-8 and 20-21 Are Not Rendered Obvious by *Rorex* and *Reisman* in view of *Barsness***

Claims 7-8 and 20-21 Are Not Rendered Obvious by *Rorex* and *Reisman* in view of *Barsness*. These claims are dependent claims and thus should be allowable for at least the reasons set forth above in connection with their respective base claims. Further, combining *Barsness* with *Rorex* and *Reisman* still would not teach or suggest each element of these claims. For example, Applicants' claims 7 and 20 recite that the content or web page used to identify a "previously submitted query" is, or represents, a web log. Applicants' claims 8 and 21 recite that the content or web page used to identify a "previously submitted query" is, or contains, an "instant messaging message". *Barsness* is simply cited as teaching "content as a web log" and a "web page containing an instant messaging message" (OA p. 23), but *Barsness* does not, however, teach or suggest "identifying a previously submitted query" based on such content. As *Rorex* and *Reisman* also fail to teach or suggest such limitations, a combination with *Barsness* still would not function to render these claims obvious. Applicants therefore respectfully request that the rejections with respect to these claims be withdrawn.

#### **IV. Amendment to the Claims**

Unless otherwise specified or addressed in the remarks section, amendments to the claims are made for purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof. The amendments are supported by the specification and do not add new matter. In addition, by focusing on specific claims and claim elements in the discussion above, applicants do not imply that other claim elements are disclosed or suggested by the references. In addition, any characterizations of claims and/or cited art are being made to facilitate expeditious prosecution of this application. Applicants reserve the right to pursue at a later date any other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by another prosecution. Accordingly, reviewers of this or any child or related prosecution history shall not reasonably infer that applicants have made any disclaimers or disavowals of any subject matter supported by the present disclosure.

#### **CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



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